

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SKIDDIES, INC. and JOSEPH FRANCO,

Civil Action No. 16-cv-8709

Plaintiffs,

-against-

SELDAT, INC., SELDAT DISTRIBUTION,
INC. (CA entity), SELDAT DISTRIBUTION,
INC. (NJ entity), SELDAT LIMITED
LIABILITY PARTNERSHIP, SELDAT
DISTRIBUTION CORPORATION, SELDAT
TRANSPORTATION INC., SELDAT CORPORATION,
SELDAT STAFFING, DANIEL DADOUN and
ABC CORP.,

Defendants.

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JOINT RULE 26(f) REPORT AND PROPOSED JOINT DISCOVERY PLAN

The parties file this joint report pursuant to Fed. R. Civ.
P. 26(f):

Pursuant to Rule 26(f) of the Federal Rules of Civil
Procedure, the parties held a telephonic conference on June 22,
2017, during which they discussed the topics set forth below.
Gabriel Fischbarg, Esq. attended for plaintiffs. David Yeger,
Esq. attended for defendants.

Fed. R. Civ. P. 26(f) Topics:

A. The parties will exchange initial disclosures pursuant to
Fed. R. Civ. P.26(a) on or before July 23, 2017.

B. The subjects and timing of discovery:

1. On January 16, 2017, plaintiffs sent a letter to the
court requesting a pre-motion conference prior to the filing of a

motion to dismiss the second counterclaim. At a pre-trial conference on March 2, 2017, the Court postponed the issuance of a scheduling order for this motion pending mediation by Magistrate Judge Barbara Jones. As a result, plaintiffs have not yet answered defendants' two counterclaims.

2. On February 7, 2017, defendants sent a letter to the court requesting a pre-motion conference prior to the filing of a motion to amend their answer and to seek the disqualification of plaintiffs' attorney. At a pre-trial conference on March 2, 2017, the Court postponed the issuance of a scheduling order for those motions pending mediation by Magistrate Judge Barbara Jones.

Except for the Rule 26 Initial Disclosures, Defendants request that discovery remain stayed pending a ruling on Defendants' proposed motion to disqualify Plaintiffs' counsel, and commence after the Court issues a ruling on the motion. Defendants request the following briefing schedule on their motion to disqualify: Defendants' motion filed by July 3, 2017; Plaintiffs' opposition filed by July 18, 2017; Defendants' reply filed by July 25, 2017.

Plaintiffs contend that the motion to disqualify is entirely frivolous and is being filed merely to delay commencement of discovery. Plaintiffs contend they have provided Defendants with the third-party documentation showing the source of the allegations in the First Amended Complaint that Defendants contend

could only have come from a communication between Defendant Daniel Dadoun and Plaintiffs' attorney. Nevertheless, Defendants still intend on filing a motion to disqualify. Plaintiffs oppose any stay in discovery pending the motion to disqualify.

4. Within two weeks after the Court's issuance of a ruling denying Defendants' proposed motion to disqualify Plaintiffs' counsel, Defendants will file their proposed motion for leave to amend their pleading. If the Court's issues a ruling granting Defendants' proposed motion to disqualify Plaintiffs' counsel, Plaintiffs will be granted four weeks to obtain new counsel. Within one week after such four-week period, Defendants will file their proposed motion for leave to amend their pleading.

The parties will continue to conduct discovery during the pendency of any motion for leave to amend.

5. Within three weeks after the Court's issuance of a ruling on Defendants' proposed motion for leave to amend their pleading, Plaintiffs will file either an answer or a motion to dismiss addressed to the Defendants' pleading. The parties will continue to conduct discovery during the pendency of any motion to dismiss.

C. The parties discussed disclosure and/or discovery of electronically stored information and will continue to meet and confer regarding the form in which such discovery should be produced.

D. The parties do not anticipate any disputes about claims of privilege or protection at this time. The parties have entered into a stipulation of confidentiality which they will submit to the Court to be "So-Ordered".

E. The parties do not anticipate any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure.

F. The parties agree that service of documents by email and/or overnight mail is effective service and is complete upon emailing or mailing.

G. Assuming that the motion to disqualify is denied and except as set forth below, the parties have agreed to the following discovery schedule, subject to the Court's approval:

Date	Activity
June 29, 2018 to denial of motion to disqualify –	Discovery stayed under defendants' request / Discovery not stayed under plaintiffs' request
January 20, 2018	Plaintiffs' expert disclosures must be made.
February 10, 2018	Defendants' expert disclosures must be made.
February 28, 2018	Fact discovery must be completed.
March 31, 2018	The parties must make any requests for a pre-motion conference in accordance with the Honorable William H. Pauley III's Individual Rules with respect to summary judgment motions. A briefing schedule for any anticipated summary judgment motions will be agreed to at the pre-motion conference for such motions.

30 days after resolution of all summary judgment motions – Pre-

trial order due.

In the event that motion to disqualify is granted, discovery schedule is to be determined upon substitution of plaintiffs' attorney.

Dated: June 23, 2017
New York, New York

By: _____/s/_____
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By: _____/s/_____
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Attorneys for Defendants

SO ORDERED:

Hon. William H. Pauley
U.S. District Judge